



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

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JN  
F. #2017R01809

*271 Cadman Plaza East  
Brooklyn, New York 11201*

November 27, 2017

**By ECF and Hand Delivery**

The Honorable Dora L. Irizarry  
Chief United States District Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re:     United States v. Maksim Zaslavskiy  
Criminal Docket No. 17-647 (ENV)

Dear Chief Judge Irizarry:

Pursuant to Local Rule 50.4, the government respectfully requests that the above-captioned matter (“Criminal Case”), which is assigned to the Honorable Eric N. Vitaliano, be reassigned to the Honorable Raymond J. Dearie because it is related to the previously filed civil action captioned Securities and Exchange Commission v. Recoin Group Foundation, LLC, DRC World Inc. a/k/a Diamond Reserve Club, and Maksim Zaslavskiy, No. 17-CV-5725 (RJD) (“Civil Case”), currently pending before Judge Dearie. The government has spoken to the defendant’s counsel, Mildred Whalen, Esq., and she indicated that she consents to the government’s request for reassignment.

I.     Background

Local Rule 50.4 provides that the Chief Judge may at any time, with the consent of the judges involved, reassign individual cases. Local Rule 50.4 further provides that “[n]o case shall be reassigned except in the interest of justice and the efficient disposition of the business of the court.”

On September 29, 2017, the U.S. Securities and Exchange Commission (“SEC”) filed a complaint (“SEC Complaint”) in the Civil Case charging the defendant Maksim Zaslavskiy and his related entities with securities fraud, among other violations. (See Civil Case, ECF Docket No. 1). The SEC Complaint alleges that Zaslavskiy engaged in a scheme to commit securities fraud by engaging in illegal unregistered securities offerings and ongoing fraudulent conduct and misstatements designed to deceive investors in connection with the sale of securities

in so-called “Initial Coin Offerings” (“ICOs”). (SEC Complaint at 1). The SEC Complaint alleges that, in furtherance of the scheme Zaslavskiy, as the President and sole owner of two companies, REcoin and Diamond, made various material misrepresentations and engaged in deceptive acts relating to supposed investments in digital “token” or “coins” offered, first by REcoin and then by Diamond, during the ICO. (*Id.* at 2). The SEC Complaint states a number of false and misleading statements made by Zaslavskiy in connection with the ICO. (*Id.* 2-3).

On November 21, 2017, a federal grand jury in the Eastern District of New York returned an indictment charging Zaslavskiy criminally with, *inter alia*, securities fraud and securities fraud conspiracy premised on the same conduct as that alleged in the SEC Complaint. (See Criminal Case, ECF Docket No. 7).

II. Reassignment Would Conserve Judicial Resources

Because the Criminal Case and the Civil Case share the same subject matter, are based on substantially the same facts and involve the same defendant—Zaslavskiy—the government respectfully submits that reassignment of the Criminal Case to Judge Dearie, before whom the Civil Case has been pending since September 29, would be appropriate, as it would likely serve the interest of justice and result in significant savings of judicial resources.

III. Conclusion

For the foregoing reasons, the government respectfully submits that the instant case should be reassigned to Judge Dearie.

Respectfully submitted,

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cc: The Honorable Eric N. Vitaliano by (ECF and Hand Delivery)  
The Honorable Raymond J. Dearie (by Hand Delivery)  
Clerk of the Court (ENV) (by ECF)  
Mildred Whalen, Esq. (ECF and by E-mail)